

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 26667 of 2000

Between:

D.Nageswara Rao, S/o.Ramalingaiah

Aged 41 years, P.G.Teacher (Physical Science)

A.P.S.W.R. School/Jr.College, Sirpur (T), Adilabad District

..... PETITIONER

AND

1. The Chairman, AP.S.W.R.E.I. Society,

Telugu Sankshema Bhavan, Masab Tank, Hyderabad.

2. The Secretary, A.P.S.W.R.E.I. Society,

Telugu Sankshema Bhavan, Masab Tank, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction or writ more particularly in the nature of Mandamus declaring the proceedings Rc.No.Prl./Estt./10539/98(1), dated 23.3.1999 issued by the 2nd respondent as illegal, arbitrary, unconstitutional, null and void in view of the facts that the respondents have not conducted any enquiry before imposing the punishment.

Counsel for the Petitioner: MR.K.LAKSHMI MANOHAR

Counsel for the Respondents : MR.VIJAYA BHASKAR MOOLA

The Court made the following :

ORAL ORDER:

This writ petition is filed to declare the Proceedings Rc.No.Prl./Estt/10539/98(1), dated 23.3.1999 issued by the 2nd respondent as illegal and arbitrary.

The petitioner is working as a Teacher in the respondent-organisation. While he was working as In-charge Principal at A.P.S.W.R. School, Dammamet, Khammam District, a show cause notice dated 5.12.1998 was issued by the 2nd respondent stating that the petitioner has committed mis-management, mis-utilization of hostel funds and dereliction of duties.

The petitioner submitted his explanation on 31.12.1998 pursuant to the show cause notice. The authorities concerned examined the explanation with reference to the charge framed and held that the

explanation is not convincing; and without conducting a regular enquiry, the authorities came to the conclusion that the charges levelled against him are proved and he has committed serious dereliction of duty and mis-utilized the funds and he was awarded punishment of stoppage of two annual grade increments with cumulative effect.

Admittedly, the said punishment awarded to the petitioner is a major punishment and the respondents in the counter affidavit do not dispute this fact. A perusal of the impugned order dated 23.3.1999 and the counter affidavit discloses that except issuing show cause notice to the petitioner and considering his explanation, no regular departmental enquiry has been conducted against the petitioner. Therefore, I am of the view that the said order is unsustainable as the same is against the rules of the respondents.

Having regard to the facts and circumstances of the case, I am of the opinion that as the major punishment cannot be imposed without conducting a regular departmental enquiry, the impugned order dated 23.3.1999 is set aside and the writ petition is accordingly allowed. However, the respondents may choose to conduct an enquiry if they feel they can to do so. No costs.

(V.ESWARAIAH,J.)

19th August, 2004

bcj

To

1. The Chairman, AP.S.W.R.E.I. Society,
Telugu Sankshema Bhavan, Masab Tank, Hyderabad.

2. The Secretary, A.P.S.W.R.E.I. Society,
Telugu Sankshema Bhavan, Masab Tank, Hyderabad

3 Two C.D. copies

Note: Furnish C.C. in four days

B/o

bcj